

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|   |   |                               |
|---|---|-------------------------------|
| SAMUEL BINGAMAN, WILLIAM                | ) |                               |
| SWIGERT, SHANE WILSON, and              | ) |                               |
| MARIA RUSCKIEWICZ, individually         | ) | Case No. CIV-23-130-SLP       |
| and on behalf of all similarly situated | ) |                               |
| persons,                                | ) | Consolidated with:            |
|   | ) | Case No. CIV-23-134-SLP       |
| Plaintiffs,                             | ) |                               |
|   | ) |                               |
| And                                     | ) | Honorable Judge Scott L. Palk |
|   | ) |                               |
| ROSALIE DUPUS, individually and         | ) |                               |
| on behalf of all similarly situated     | ) |                               |
| persons,                                | ) |                               |
|   | ) |                               |
| Consolidated Plaintiff,                 | ) |                               |
|   | ) |                               |
| v.                                      | ) |                               |
|   | ) |                               |
| AVEM HEALTH PARTNERS, INC.,             | ) |                               |
|   | ) |                               |
| Defendant.                              | ) |                               |

**PLAINTIFFS’ UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that Plaintiffs Samuel Bingaman, William Swigert, Shane Wilson, Rosalie Dupus, and Maria Ruskiewicz (collectively, “Plaintiffs”), individually and on behalf of the putative class, move pursuant to Federal Rule of Civil Procedure 23(e) for an Order: (i) granting preliminary approval of the proposed Settlement; (ii) preliminarily certifying a class for purposes of Settlement; (iii) appointing Plaintiffs as Class Representatives; (iv) appointing William B. Federman of Federman & Sherwood as Class Counsel; (v) approving the Parties’ proposed form and method of giving notice of the pendency of this action and the Settlement to the Settlement Class; (vi) directing that

notice be given to the Settlement Class; (vii) scheduling a hearing at which time the Court will consider the request for final approval of the Settlement and request for attorneys' fees, expenses, and service awards to Plaintiffs; and (viii) granting such other relief and further relief as the Court deems just and proper.

Defendant Avem Health Partners, Inc. does not object to the relief sought by Plaintiffs.

This Motion is based upon the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement; the Declaration of William B. Federman in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and its exhibits thereto, including the Settlement Agreement and Release; and all prior pleadings and proceedings properly before the Court.

Dated: August 18, 2023

Respectfully submitted,

/s/: William B. Federman

William B. Federman

**FEDERMAN & SHERWOOD**

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/: William B. Federman

William B. Federman